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REMARKS

Claims 1-33 are pending in the present application. Claims 12 and 25 have been canceled, Claims 1-11 and 13-23 have been withdrawn, Claims 24, 26-28, 32, and 33 have been amended, and Claims 34-36 has been added, leaving Claims 24, and 26-36 for consideration upon entry of the present Amendment.

Antecedent basis for the amendment to Claim 24 can at least be found at page 21, lines 13-17.

Claim 36 is Claim 25 rewritten in independent form. Since Claim 25 would have been allowable if rewritten in independent form, Claim 36 is allowable.

Claims 26-28 have been amended to correct the dependency of the claims. The claims originally depended from cancelled Claim 25. Applicants have amended the claims to depend from new Claim 36.

Antecedent basis for new Claims 34 and 35 can at least be found at page 21, lines 5-12 of the specification.

The specification has been amended to correct a typographical error, as explained in detail below. No new matter has been introduced by these amendments.

Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Specification

In reviewing the specification, Applicants have noticed a typographical error on page 22 of the originally filed specification. More particularly, "Figure 23" is referenced, when no Figure 23 is provided. Applicants have amended the specification at the paragraph spanning line 10 to line 14 on page 22 of the specification to correct this typographical error. As amended, "Figure 23" is now "Figure 20".

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 26, 32 and 33 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the term "substantial distance" in

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Claims 36 and 32 is a relative term that renders the claim indefinite. Likewise, the terms "high pressure" and "low pressure", in Claim 33, allegedly has uncertain scope.

With regard to Claims 26 and 32, Applicants have amended the claims. More particularly, the claims have been amended to change the adjective "substantial" to the adverb "substantially." The term "substantially" is often used in conjunction with another term to describe a particular characteristic of the claimed invention. It is a broad term. *In re Nehrenberg*, 280 F.2d 161, 126 USPQ 383 (CCPA 1960); MPEP 2172.05(b).

Applicants submit that "substantially" is a recognized term of art and is definite. Nevertheless, Applicants provide some guidance as to the breadth of the phrase "substantially extends" at least in Figures 19-20. Applicants contend that the claim as originally filed was definite and the amendment does not narrow the claim in anyway. As such, Applicants respectfully request withdrawal of the rejection and allowance of Claims 26 and 32.

With regard to Claim 33, Applicants have amended the claim. More particularly, "high pressure" is now "first" and "low pressure" is now "second". Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of Claim 33.

Claim Rejections Under 35 U.S.C. § 102(b)

Claim 24 stands rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,124,478 to Tsien et al. Applicants respectfully traverse this rejection.

Applicants' independent Claim 24 is directed to a frame member for an electrochemical cell stack, comprising: an outer periphery; an inner periphery; a surface defined between the outer periphery and the inner periphery; a fluid port defined axially through the surface, the fluid port having a length along the inner and the outer peripheries; a plurality of fluid manifolds defined in the surface, each of the plurality of fluid manifolds defining a fluid flow channel extending radially from the fluid port to the inner periphery, and at least one of the plurality of fluid manifolds extending along the inner periphery a distance beyond the length of the fluid port.

Tsien et al. disclose a frame for an electrochemical cell (Col. 2, lines 59-65). The Examiner summarized the teachings of Tsien et al. as follows:

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[The frame] includes an inner an outer peripheries, a surface between them, and fluid ports (8A through 8F, 10A through 10F, 12, 14) extending through the frame. See figure 1. Each port is connected by a set of manifolds (16) defined in the surface of the frame, as best seen in figures 2 and 3.

(Paper 8, page 3).

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Variant Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Tsien et al. at least fail to teach, *inter alia*, a plurality of fluid manifolds defined in the surface, each of the plurality of fluid manifolds defining a fluid flow channel extending radially from the fluid port to the inner periphery, and at least one of the plurality of fluid manifolds extending along the inner periphery a distance beyond the length of the fluid port. Rather, Tsien et al. only show the manifold extending from the fluid port. See Figure 2. Moreover, absent in Tsien et al. is any teaching that a fluid flow channel extends radially from the fluid port.

Since Tsien et al. at least do not teach the limitation "extending radially from the fluid port", Tsien et al. do not teach each and every limitation of Applicants independent Claim 24. Accordingly, Applicants submit Claim 24 is not anticipated by Tsien et al., and respectfully request withdrawal of the rejection and allowance of the claim.

Claim Rejections Under 35 U.S.C. § 103(a)

Claim 12 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,036,827 to Andrews et al. in view of U.S. Patent No. 4,500,403 to King. This rejection is moot, as Claim 12 has been cancelled.

Claim Objections

Claims 25 and 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 25 has been cancelled, and new Claim 36 has been added, which is Claim 25 rewritten in independent form

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including all of the limitation of the base Claim 24.

Claims 26-28 have been amended to correct the dependency of the claims. The claims had depended from cancelled Claim 25. Applicants have amended the claims to depend from allowable new Claim 36.

Applicants submit that Claim 24, as amended, is allowable. As such, Claims 29 and 30 depend from an allowable independent claim.

Accordingly, Applicants respectfully request withdrawal of the objects and allowance of the Claims.

Prior Art Made of Record

Applicants submit that the prior art references made of record, either alone or in combination, fail to teach or suggest Applicants' invention as defined by Applicants' claims.

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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

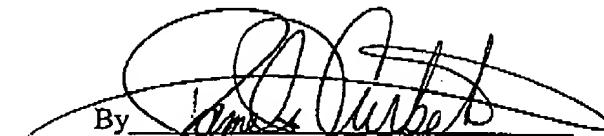
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